

Protecting Public Health and the Environment Through Enforcement and Compliance Assurance in Indian Country

A Strategy for Results

April 3, 2003

Draft

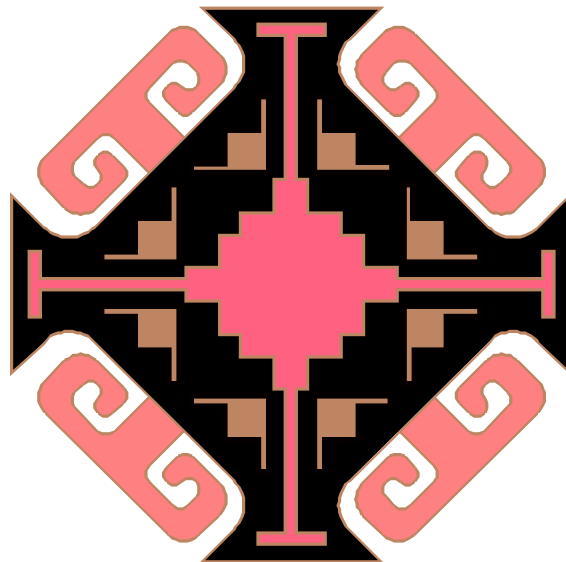


Table of Contents

Summary	i
Approach to Enforcement and Compliance Assurance	Page 1 of 18
Objective 1 Identifying and Assessing Facility Compliance Status Providing Access to Information	Page 3 of 18
Objective 2 Capacity Building and Compliance Assistance That Enhances Understanding of Environmental Obligations and Incentives	Page 4 of 18
Objective 3 Incentives and Voluntary Reporting of Non-Compliance that Encourage Environmental Stewardship	Page 5 of 18
Objective 4 EPA and Tribal Monitoring of Regulated Facilities in Indian Country	Page 6 of 18
Objective 5 Civil and Criminal Enforcement	Page 7 of 18
Objective 6 Ensuring Compliance at Federal Facilities	Page 9 of 18
Objective 7 Encouraging Environmentally Sound Decision Making by Federal Agencies Through the National Environmental Policy Act Process	Page 9 of 18
Objective 8 Site Clean-up and Enforcement Measures	Page 11 of 18
Objective 9 Fair Treatment and Meaningful Involvement Consistent with the Principles of Environmental Justice	Page 12 of 18
Objective 10 Building Tribal Capacity Through Training Tribal Environmental Professionals	Page 13 of 18
Objective 11 Homeland Security Issues	Page 14 of 18
Objective 12 Consulting with Tribes to Identify Enforcement and Compliance Assurance Priorities, Activities and Performance Measures	Page 15 of 18
Conclusion	Page 16 of 18
Definitions	Page 17 of 18

Summary

The United States Environmental Protection Agency (EPA or Agency) ensures that environmental programs designed to protect human health and the environment under federal environmental laws are carried out across the United States. This *Strategy* uses enforcement and compliance assurance objectives to promote compliance with federal environmental laws in Indian Country and in areas outside of Indian Country where federally-recognized Indian tribes have recognized rights and interests protected by treaty, statute, judicial decisions or other authorities, including Alaska. Through this *Strategy*, EPA's Enforcement and Compliance Assurance Program, in partnership with tribes, will identify and undertake the actions necessary to meet the objectives of EPA's mission as they relate to tribes and tribal members.

This *Strategy* will help develop a common understanding among environmental managers and staff at the Federal and tribal level about the nature of enforcement and compliance assurance programs. In addition, this *Strategy* outlines how EPA will work with tribes to maximize compliance and reduce threats to public health and the environment in Indian Country and other areas where Indian tribes and their members have rights and resources. This work is undertaken consistent with the federal government's trust and consultation responsibilities to tribes, government-to-government relationship with tribes, EPA's authorizing statutes and implementing regulations, the *EPA Policy for the Administration of Environmental Programs on Indian Reservations*, and Headquarters and Regional Tribal Strategies.

EPA will implement this *Strategy* through the development of a separate work plan document containing Agency activities and performance measures applicable to Indian Country and other areas where Indian tribes and their members have rights and resources. This work plan will result in the use of a variety of approaches – compliance assistance, compliance monitoring, compliance incentives, and enforcement – to encourage compliance and environmental stewardship in Indian Country.

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

*Protecting Public Health and the Environment Through
Enforcement and Compliance Assurance in Indian Country*

*A Strategy for Results
Draft – April 3, 2003 – Draft*

Purpose: **The overall goal of the Enforcement and Compliance Assurance Strategy for Indian Country and other tribal areas is to protect the health and the environment of American Indians and Alaska Natives through the actions of EPA and Federally-recognized tribes to facilitate compliance with federal environmental laws.**

Approach to Enforcement and Compliance Assurance in Indian Country and Other Tribal Areas

The United States Environmental Protection Agency (EPA or Agency) ensures that environmental programs designed to protect human health and the environment under federal environmental laws are implemented across the United States. This *Strategy* uses enforcement and compliance assurance objectives to facilitate compliance with federal environmental laws in Indian Country and in those other tribal areas, including Alaska, where Federally-recognized Indian tribes have recognized rights and interests protected by treaty, statute, judicial decisions, or other authorities. Through this *Strategy*, the EPA Enforcement and Compliance Assurance Program, in partnership with Federally-recognized Indian tribes (tribes), will identify and undertake the actions necessary to meet the objectives of EPA's mission as they relate to tribes and tribal members.

This *Strategy* will help develop a common understanding among environmental managers and staff at the Federal and tribal level about the nature of enforcement and compliance assurance programs. In addition, this *Strategy* outlines how EPA will work with tribes to maximize compliance and reduce threats to public health and the environment in Indian Country and in other tribal areas. This work is undertaken consistent with the federal government's trust and consultation responsibilities to tribes, government-to-government relationship with tribes, EPA's authorizing statutes, the *EPA Policy for the Administration of Environmental Programs on Indian Reservations (1984 Indian Policy)*, and EPA Headquarters and Regional Tribal Strategies. The *Indian Policy* and the various EPA Tribal Strategies describe the Agency's approach to environmental protection for tribes within the context of the federal trust responsibility and government-to-government relationships.

This *Strategy* will use a variety of approaches – compliance assistance, compliance monitoring, compliance incentives, and enforcement – to encourage compliance and environmental stewardship in Indian Country and in other tribal areas. When appropriate, EPA will work with Tribes to integrate these approaches to ensuring compliance. Whether implemented directly by EPA or an approved tribe, selecting the appropriate tools will provide the greatest gains in environmental and human health protection in Indian Country and in other tribal areas. The Enforcement and Compliance Assurance Program uses the following objectives to protect human

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

*Protecting Public Health and the Environment Through
Enforcement and Compliance Assurance in Indian Country*

*A Strategy for Results
Draft – April 3, 2003 – Draft*

health and the environment in Indian Country and in other areas:

- identifying and assessing facility compliance status and providing access to information;
- building tribal capacity and providing compliance assistance to enhance understanding of environmental obligations and incentives;
- providing incentives to tribes and business in Indian Country to voluntarily report non-compliance and encourage environmental stewardship;
- monitoring regulated facilities in Indian Country by EPA and tribes;
- conducting civil and criminal enforcement actions in Indian Country to ensure nationally consistent enforcement;
- ensuring compliance at Federal facilities in Indian Country and in other tribal areas;
- encouraging environmentally sound decision making by Federal agencies through the National Environmental Policy Act process in Indian Country and in other tribal areas;
- cleaning up sites and taking appropriate enforcement measures;
- ensuring fair treatment and meaningful involvement consistent with the principles of environmental justice;
- building tribal capacity through training tribal environmental professionals;
- addressing homeland security needs; and
- consulting with tribes to identify enforcement and compliance assurance priorities, activities, and performance measures.

These twelve objectives represent the major components of this *Strategy*. EPA will use these objectives to develop and maintain a separate work plan document containing enforcement and compliance assurance activities and performance measures applicable to Indian Country and in other tribal areas. The work plan will be tied to the enforcement and compliance assurance components of the Agency's accountability mechanisms and budget and planning processes. The newly formed Enforcement and Compliance Assurance Planning Council, which will consist of Headquarters and Regional management, will factor this *Strategy* into its strategic planning process.

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

Protecting Public Health and the Environment Through Enforcement and Compliance Assurance in Indian Country

A Strategy for Results

Draft – April 3, 2003 – Draft

Objective 1 Identifying and Assessing Facility Compliance Status and Providing Access to Information

- EPA will maintain and improve the quality and accuracy of enforcement and compliance assurance data in Indian Country to identify noncompliance and focus on human health and environmental problems.
- EPA will work to improve tribes and tribal member access to compliance and enforcement information.

Complete and reliable information about the compliance status of facilities in Indian Country and in other areas regulated under federal environmental laws is important to the success of enforcement and compliance assurance activities. Accurate information enables EPA and tribes to understand and determine their enforcement and compliance priorities. In addition to encouraging tribes to input and maintain data, EPA will work with tribes to ensure that national enforcement and compliance data systems provide the accurate, timely and relevant information needed for effective prioritization.

EPA uses multiple systems to collect information about regulated facilities or environmental activities that may affect air, water, and land in Indian Country and in other tribal areas and throughout the United States. The data systems contain information about environmental media, facility compliance and enforcement records, and information on various manufacturing processes. EPA uses the data systems to evaluate public health and environmental risks, and to identify particular sectors or facility operations where regulated entities have demonstrated serious patterns of noncompliance. Data systems are also available to analyze regulated facilities' potential impacts on sacred sites and hunting, fishing, and gathering rights. For example, tribes can use the Enforcement and Compliance History Online web site to obtain facility-specific information about compliance inspections, violations, enforcement actions taken, and penalties assessed. (<http://www.epa.gov/echo/>). Tribes can also use the EnviroJustice Mapper web site to access this facility information through the use of Geographic Information System map. <http://www.epa.gov/Compliance/environmentaljustice/ejmapper.html>. EPA will continue to work with tribes to enhance the quality, usefulness, and accessibility of public environmental data to support effective decision making and to increase the tribes' participation in environmental issues which affect Indian Country and other tribal areas. Public information about EPA's data systems is available at www.epa.gov/compliance/planning/data/index.html.

Data collection and maintenance is coordinated with the American Indian Environmental Office, the Office of Environmental Information, and the EPA Regional Offices. This coordination facilitates the proper identification of facilities operating in Indian country and in other tribal areas and enhances the quality, usefulness, and accessibility of information.

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

*Protecting Public Health and the Environment Through
Enforcement and Compliance Assurance in Indian Country*

A Strategy for Results

Draft – April 3, 2003 – Draft

Objective 2 Capacity Building and Compliance Assistance That Enhances Understanding of Environmental Obligations and Incentives

- EPA will increase the compliance of tribal and non-tribal facilities in Indian Country and in other tribal areas with environmental statutes through expanded use of compliance assistance.
- EPA will continue to tailor compliance assistance tools for use by tribes and facilities in Indian Country.
- EPA will continue to expand the reach of its compliance assistance activities.

Tribes, tribal members, and non-tribal members operate a wide array of facilities regulated under federal environmental laws. Compliance assistance provides facilities with the clear and consistent information needed to understand and comply with environmental regulations. Information on EPA's compliance assistance program is available at www.epa.gov/compliance/complianceassistance. Compliance assistance can also help facilities in Indian Country find cost-effective ways to comply with regulations and go "beyond compliance" by improving environmental performance through the use of pollution prevention, environmental management systems, and innovative technologies. Environmental management system information is available at www.ems/index.htm, pollution prevention information is available at www.epa.gov/p2, and innovative technology information is available at www.epa.gov/tio/about.htm.

Compliance assistance includes activities, tools or technical assistance which provide clear and consistent information to help facilities understand and meet their obligations under environmental laws. To be effective, compliance assistance material needs to be comprehensive and accessible to Indian Country. EPA, therefore, designs information to meet the needs of tribal and non-tribal facilities and tailors information specifically for tribal facilities. To enhance accessibility, EPA provides material directly to facilities during on-site visits, meetings, and conferences and through comprehensive Internet-based centers and clearinghouses. These tools are available on-line at the Compliance Assistance Centers at www.assistancecenters.net and the National Environmental Compliance Assistance Clearinghouse at www.epa.gov/clearinghouse.

EPA, tribes, and a variety of other Federal agencies provide compliance assistance to tribal and non-tribal facilities. For example, EPA-funded "circuit riders" provide on-site compliance and technical assistance to tribes operating public water systems and managing the disposal of municipal solid waste. In addition, EPA works with inter-tribal consortia, tribal and non-tribal associations, states, universities, environmental groups, and the consulting industry; these entities are a growing source of compliance assistance information. EPA also supports tribal efforts to assume responsibility for providing compliance assistance since tribes are often in

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

Protecting Public Health and the Environment Through Enforcement and Compliance Assurance in Indian Country

A Strategy for Results

Draft – April 3, 2003 – Draft

the best position to know and understand the compliance needs of regulated tribal and non-tribal facilities in Indian Country. In this case, EPA support tribes interested in designing developing compliance guides and training material specifically designed to meet the environmental obligations of facilities operated by tribal governments and tribal members.

A component of this effort is to assist tribes in the development of civil compliance and enforcement programs. Key elements of these programs include tribal environmental codes that are as stringent as the federal programs and administrative procedures. This effort can lead to EPA approval of tribes to bear the bulk of responsibility for implementing certain federal environmental laws in Indian Country. EPA approval is expressly available under the Clean Air Act, Clean Water Act, and Safe Drinking Water Act. EPA also interprets the Toxic Substances Control Act and the Emergency Planning and Community Right to Know Act as allowing for approval of relevant tribal programs. The Comprehensive Environmental Response, Compensation, and Liability Act and the Federal Insecticide Fungicide and Rodenticide Act provide special role for tribes. EPA is not authorized to delegate its responsibility to conduct criminal enforcement activities in Indian Country and in other tribal areas to tribal governments. In lieu of approval, EPA works with tribes to investigate and prosecute environmental crimes in Indian Country and in other tribal areas.

Objective 3 Incentives and Voluntary Reporting of Non-Compliance that Encourage Environmental Stewardship

- EPA will seek to increase opportunities for tribes and facilities in Indian Country to voluntarily report non-compliance and correct violations.

EPA promotes environmental compliance and the correction of non-compliance through the use of incentives that encourage environmental stewardship. These incentives encourage voluntary actions by tribal and non-tribal facilities to discover and then voluntarily, disclose, and expeditiously correct environmental problems. In exchange, it is EPA's policy to reduce, waive, or eliminate some penalties for violations if certain conditions are met. Self-auditing can result in the prompt detection and correction of violations and the identification of steps facilities can take to reduce pollution and prevent potential future violations.

EPA has established, and continues to establish, a variety of incentive programs that are applicable to facilities in Indian Country and in other tribal areas, including audit and self-disclosure policies. For example, *Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations*, the *Small Business Compliance Policy*, and the *Policy on Flexible State Enforcement Responses to Small Community Violations*. Information on these incentive policies is available at www.epa.gov/compliance/incentives/auditing/auditpolicy.html.

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

*Protecting Public Health and the Environment Through
Enforcement and Compliance Assurance in Indian Country*

A Strategy for Results

Draft – April 3, 2003 – Draft

EPA will work with tribal and non-tribal facilities to explore ways in which incentives can be used in Indian Country and in other tribal areas to improve compliance through voluntary action. EPA will also work with tribes to identify areas where alternative dispute resolution processes are appropriate.

Objective 4 EPA and Tribal Monitoring of Regulated Facilities in Indian Country

- EPA conducts inspections and civil and criminal investigations targeted to areas in Indian Country and in other tribal areas that pose risks to human health or the environment, display patterns of non-compliance or include disproportionately exposed populations.
- EPA can authorize appropriate tribal inspectors to conduct inspections on behalf of the Agency, and otherwise reach agreements with tribes to assist in the direct implementation of federal environmental programs and the building of tribal program capacity.

A key factor to providing environmental protection in Indian Country and in other tribal areas is assuring compliance by the regulated community with environmental laws through effective monitoring and compliance assessment. Compliance monitoring in Indian Country and in other tribal areas is undertaken for a variety of reasons, including collection and analysis of compliance and enforcement data; responding to tribal requests and tribal member, and non-tribal member complaints; and meeting National and tribal priorities. EPA uses inspection and other types of compliance monitoring to determine compliance with applicable laws, regulations, permit conditions, orders and settlement agreements, and to determine the nature and extent of any threat posed to human health and the environment. In addition to routine inspections, inspections can be targeted to areas that pose risks to human health or the environment, display patterns of non-compliance or include disproportionately exposed populations. Each type of action involves collecting information through a variety of off-site and on-site methods. Public information about inspections and inspection results in Indian Country and in other tribal areas is accessible to EPA, tribes and tribal members through the Internet.

EPA works closely with tribes in carrying out compliance monitoring activities by consulting with tribes on inspection priorities and schedules and sharing information where appropriate. EPA conducts almost all compliance monitoring activities in Indian Country because the Agency currently retains direct compliance and enforcement authority for most federal environmental programs on lands held in trust unless and until a tribe receives approval under a particular federal environmental program or a state has an express grant of jurisdiction from Congress sufficient to support delegation to the state.

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

Protecting Public Health and the Environment Through Enforcement and Compliance Assurance in Indian Country

A Strategy for Results

Draft – April 3, 2003 – Draft

Tribes with approved federal programs can conduct compliance monitoring activities within their jurisdictions in Indian Country. Under certain circumstances and environmental programs, EPA can enter into an agreement to formally authorize tribal inspectors to conduct compliance monitoring activities on behalf of the Agency. EPA authorization of tribal inspectors to conduct inspections on behalf of the Agency is based on multiple factors, including whether an inspector is trained to properly and safely conduct federal inspections. EPA has developed guidelines on why, how, and when it is appropriate to authorize tribal inspectors to act on the Agency's behalf under a particular environmental statute. The guidance will continue to enhance the ability EPA and tribes to protect human health and the environment in Indian Country. EPA will work with tribes to authorize tribal inspectors where an identified and appropriate need exists. Similarly, EPA has entered into agreements, including Direct Implementation Tribal Cooperative Agreements (DITCAs), to facilitate compliance monitoring in Indian Country. DITCAs and other agreements between EPA and tribes simultaneously support the direct implementation of Federal environmental programs in Indian country, the building of tribal capacity for effective compliance monitoring and enforcement in Indian Country and, where appropriate, in other tribal areas. DITCAs and other agreements will play an important role in how EPA's enforcement and compliance assurance program implements this *Strategy*.

Objective 5 Civil and Criminal Enforcement in Indian Country

- EPA undertakes enforcement actions in Indian Country and in other tribal areas to maximize compliance and address environmental and human health concerns.

EPA ensures compliance with federal environmental laws by appropriately exercising its authority to take civil and/or criminal enforcement actions against out-of-compliance facilities. When a facility regulated under federal environmental laws is identified as being out of compliance, EPA uses its authority to pursue: (1) an administrative enforcement proceeding; (2) a civil judicial suit; or (3) a criminal investigation and referral for prosecution. EPA directly handles administrated enforcement proceedings and refers civil-judicial suits and criminal prosecution to the United States Department of Justice. Regardless of the type of enforcement response, the action taken is designed to remedy the environmental harm, promote nationally consistent enforcement, and deter future noncompliance by the same facility and other facilities. Supplemental environmental projects may be performed as part of an out-of compliance facility's settlement of an enforcement action. These facility-initiated projects are designed to secure significant environmental or public health protection improvements beyond those achieved by bringing the defendant into compliance. Information on supplemental environmental projects is available at www.epa.gov/compliance/civil/programs/sep/sepinfo.html.

EPA's enforcement actions in Indian Country are guided by multiple policies, including the

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

Protecting Public Health and the Environment Through Enforcement and Compliance Assurance in Indian Country

A Strategy for Results

Draft – April 3, 2003 – Draft

Agency's 1984 Indian Policy, the *Guidance on the Enforcement Principles Outlined in the 1984 Indian Policy (Civil Enforcement Guidance)* for civil violations, the *Exercise of Investigative Discretion* policy (*Criminal Investigative Policy*) for criminal investigations and referrals for prosecution, and various program-specific and Regional policies. These policies outline how EPA works in partnership with tribes to resolve current facility noncompliance and deter future noncompliance in Indian Country in a timely and effective manner. EPA will continue to take enforcement actions in Indian Country in a manner consistent with these policies.

The ownership and control of a facility impacts the process EPA uses to respond to non-compliance. For facilities that are owned or managed by private parties, including tribal members, EPA responds to the noncompliance as it would anywhere else in the United States, after consideration of the tribe's interest in the facility. For facilities owned or managed by tribal governments, EPA will work cooperatively with the tribe and provide compliance assistance to help the facility comply, prior to filing a formal administrative or civil judicial enforcement action. As outlined in the *Enforcement Guidance*, this approach applies to actions that EPA may consider taking under its civil enforcement authorities, including the statutory "imminent and substantial endangerment" authorities, unless the exigencies of the situation require immediate action. For example, if drinking water wells are contaminated, EPA may need to issue an order under section 1431 of the Safe Drinking Water Act requiring provision of bottled water and subsequently provide compliance assistance to promote a long-term solution to the problem. This approach is not applicable to criminal enforcement situations where EPA follows the guidelines *Criminal Investigative Policy* and endeavors to work with tribes whenever possible. Regardless of whether noncompliance arises at a private party or a tribal facility, the availability and use of the appropriate enforcement response is designed to protect human health and the environment in Indian Country.

Objective 6 Ensuring Compliance at Federal Facilities in Indian Country and in Other Tribal Areas

- EPA will reduce or control risks to human health and the environment posed by Federal facilities located in Indian Country and in other tribal areas by providing compliance assistance and taking enforcement actions.

A number of Federal agencies have facilities on or near Indian Country and other tribal areas that may affect the environment of Indian Country and other tribal areas. These agencies include, but are not limited to, the Bureau of Indian Affairs, the Indian Health Service, the Department of Defense, and Department of Energy. EPA's enforcement and compliance assurance program is responsible for ensuring that Federal agencies, in Indian Country and in other tribal areas and elsewhere, comply with environmental laws and regulations at the facilities that they

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

*Protecting Public Health and the Environment Through
Enforcement and Compliance Assurance in Indian Country*

A Strategy for Results

Draft – April 3, 2003 – Draft

own and operate in order to protect human health and the environment. Accordingly, EPA's work on Federal facility enforcement in Indian Country and in other tribal areas is an integral part of EPA's overall compliance program. In fostering improved Federal facility compliance in Indian Country and in other tribal areas, EPA will also seek to foster the other objectives of this *Strategy*.

EPA works with tribal governments to prevent, control and abate environmental pollution at Federal facilities in Indian Country and in other tribal areas. EPA will consult with affected tribal governments when taking enforcement actions at Federal facilities per the *Enforcement Guidance*. EPA also works directly with Federal agencies to maintain compliance with environmental laws. EPA will take enforcement actions, where appropriate, to address non-compliance at Federal facilities. In addition, EPA provides compliance assistance and pollution prevention information to Federal agencies, including those in Indian Country and in other tribal areas, on various Federal environmental laws and Executive Orders. Such assistance is provided to Federal agencies through training, written policy and guidance, and direct communication. EPA also partners with Federal agencies on projects to assist tribes with their compliance, cleanup, and pollution prevention activities. Compliance assistance information for Federal facilities is available at www.epa.gov/fedsite.

**Objective 7 Encouraging Environmentally Sound Decision Making by Federal Agencies
Through the National Environmental Policy Act Process in Indian Country and
in Other Tribal Areas**

- EPA will review all major proposed Federal agency actions under the National Environmental Policy Act (NEPA) with the goal of achieving successful mitigation for the adverse environmental impacts resulting from those actions in Indian Country and in other tribal areas.
- For EPA actions undertaken in accordance with the NEPA process, EPA will solicit tribal government participation as a "cooperating agency" when the project's effects may impact Indian Country and in other tribal areas.

Understanding the potential environmental impacts of Federal agency actions is very important to tribes relative to any potential environmental impacts to Indian Country and in other tribal areas. NEPA directs Federal agencies to assess the potential environmental impacts of their proposed major actions significantly affecting the human environment and inform the public about those potential impacts. Information on NEPA is available on the Council of Environmental Quality's website at <http://ceq.eh.doe.gov/ntf/>. For Indian Country and in other tribal areas, the environmental impacts of Federal agency actions may involve such things as water quality or quantity issues, air quality issues, land use, or potential impacts to sacred sites, items of cultural patrimony, and traditional hunting, fishing, and gathering rights. National Native American Graves

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

*Protecting Public Health and the Environment Through
Enforcement and Compliance Assurance in Indian Country*

A Strategy for Results

Draft – April 3, 2003 – Draft

Protection and Repatriation Act information is available at www.cr.nps.gov/nagpra/.

Understanding the range of potential environmental impacts enables Federal agencies to integrate environmental values into their decision making processes.

Environmental assessments are used by a Federal agency to determine whether the environmental impacts of the agency's proposed action are likely to be significant. If the impacts are not expected to be significant, Federal agencies prepare a finding of no significant impact. If the impacts are likely to be significant, Federal agencies prepare an environmental impact statement (EIS). As part of the NEPA process, Federal agencies, including EPA, with jurisdiction by law or with special expertise with respect to any environmental impact involved or which are authorized to develop and enforce environmental standards must comment on another agency's EIS. EPA also has unique comment responsibility under Section 309 of the Clean Air Act because the Agency must review and comment in writing on the environmental impact on, among other things, any newly authorized Federal projects for construction and any major Federal agency action. Thus, as part of the NEPA process, EPA reviews all EISs prepared by Federal agencies and may also review some environmental assessments. EPA's comment letters are available to tribes and tribal members upon request and EIS comment summaries are available at www.epa.gov/compliance/nepa/comments/index.html. Under the NEPA process, tribes must also be invited to comment on EISs when the effects of the Federal agency's action may be on a reservation, and Federal agencies must actively solicit tribal government participation as a "cooperating agency" when the project's effects are on a reservation.

Identifying, understanding and addressing the potential environmental impacts to tribes and Indian Country and in other tribal areas are key elements of the NEPA process. Indeed, the Council of Environmental Quality's regulations implementing NEPA specify that Federal agencies should consult with tribal governments through the scoping process when proposed activities may impact reservation lands and identify possible conflicts between a proposed action and the objectives of tribal reservation land use plans, policies and controls. In addition to any scoping comments and comments on draft EISs which the tribes and individual tribal members may offer, EPA uses its knowledge of Indian Country and in other tribal areas to facilitate the identification of potential issues during scoping so that the Federal agency's NEPA process addresses issues that could impact tribes and tribal members.

For certain programs, EPA may also prepare an EIS for an action. In such cases, EPA will actively solicit participation of the tribal government as a "cooperating agency" when the project's effects may impact Indian Country and in other tribal areas. As part of the EIS process, EPA will also fully consider potential impacts to the tribal government and/or tribal members as part of its consideration of other relevant environmental statutes, regulations and Executive Orders related to the proposed action. EPA will ensure that mitigation plans developed by EPA for the action

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

Protecting Public Health and the Environment Through Enforcement and Compliance Assurance in Indian Country

A Strategy for Results

Draft – April 3, 2003 – Draft

incorporate tribal concerns and, for project effects that may impact Indian Country or other tribal areas, that the tribal government and/or tribal members will have meaningful involvement in the development and, as appropriate, implementation of these mitigation plans.

Objective 8 Site Clean-up and Enforcement Measures

- EPA will facilitate the reuse of formerly contaminated parcels of land that affect Indian Country and other tribal areas by addressing liability concerns through the implementation of the Small Business Liability Relief and Brownfields Revitalization Act of 2001, and other mechanisms such as the issuance of comfort letters.
- EPA will continue to maximize potential responsible party participation in cleanups in Indian Country and in other tribal areas and emphasize fairness in the enforcement and settlement process.

The implementation of the national cleanup programs and redevelopment of Brownfields in Indian Country and in other tribal areas are important goals for EPA and essential elements of the *Strategy*. The goals are to protect human health and the environment and achieve prompt cleanup with maximum liable party participation in the cleanup process. Environmental cleanup is necessary after the migration, release, or threat of release, of hazardous substances into the environment. Environmental cleanup may also be necessary after the migration, release, or threat of release, of petroleum products or solid waste into the environment.

EPA coordinates and conducts actions to compel responsible parties to conduct clean up under the Comprehensive Environmental Response, Compensation and Liability Act (“Superfund”), Resource Conservation and Recovery Act, Oil Pollution Act, and the Underground Storage Tank program. The statute that is used to compel responsible parties to clean up depends on the type of substance released to the environment (oil, hazardous substances, solid waste, hazardous waste) and from where the release occurred (*e.g.*, underground storage tank, aboveground storage tank, abandoned facility, or working facility). Enforcement activities related to remediation in Indian Country and in other tribal areas include the use of site assessment and investigation authorities, clean-up orders, imminent and substantial endangerment orders, and cost recovery actions. EPA acts to consult with tribes at appropriate points along the clean-up process consistent with Agency guidance and EPA’s statutory and regulatory obligations, whether the cleanup is conducted by a governmental entity or the person(s) responsible for the site affecting Indian Country. Tribal issues may also be addressed through consultation and coordination under the National Historic Preservation Act.

One of the program’s major efforts in Indian Country and in other tribal areas centers

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

*Protecting Public Health and the Environment Through
Enforcement and Compliance Assurance in Indian Country
A Strategy for Results
Draft – April 3, 2003 – Draft*

around cleanup of contaminated property or “Brownfields,” followed by redevelopment of the property. By fostering the cleanup and appropriate use of Brownfields in Indian Country and in other tribal areas, EPA helps protect human health and the environment as well as conserve greenfields from development that may lead to environmental degradation.

Objective 9 Fair Treatment and Meaningful Involvement Consistent with the Principles of Environmental Justice

- EPA will help ensure that tribal members do not disproportionately face adverse health or environmental effects and risks.

Tribal environmental justice issues can arise in the context of three general types of actions. The first are actions by EPA and other Federal departments that impact the environment or health of individual tribal members and/or tribal sovereignty. The second are actions by non-Federal entities that impact the environment or health of individual tribal members and/or tribal sovereignty. The third are actions by tribal governments when managing federal environmental programs that impact the environment or health of tribal and non-tribal members. In each context, EPA defines environmental justice to mean the fair treatment of people of all races, cultures, and incomes with respect to the development, implementation, and enforcement of environmental laws and policies, and their meaningful involvement in the decision making processes of the government.

In the context of tribal environmental justice issues, EPA encourages its own offices, federal agencies, and tribal, state and local governments to: (a) conduct their programs, policies, and activities that affect human health and the environment in a manner that ensures the fair treatment of all people, including minority populations and/or low-income populations, and tribal members; (b) ensure equal enforcement of protective environmental laws for all people, including minority populations and/or low-income populations, and tribal members; (c) ensure adequate public participation processes in the development and implementation of environmental regulations and policies, consistent with applicable statutes and regulations; and (d) improve research and data collection for programs relating to the health and environment of all people, including minority populations and/or low-income populations, and tribal members.

The enforcement and compliance assurance program will apply these activities in Indian Country and in other tribal areas by improving environmental performance through compliance with environmental requirements, preventing pollution, promoting environmental stewardship and by incorporating environmental justice in each program, policy, and activity. Implementation will occur through the use of integrated strategies including compliance assistance, compliance monitoring, compliance incentives, and civil and criminal enforcement actions, along with

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

*Protecting Public Health and the Environment Through
Enforcement and Compliance Assurance in Indian Country*

A Strategy for Results

Draft – April 3, 2003 – Draft

environmental justice training and specific projects. Successful incorporation will depend on engaging in greater outreach and consultation with the environmental justice community.

Objective 10 Building Tribal Capacity Through Training Tribal Environmental Professionals

- EPA will improve capacity of tribes to conduct enforcement and compliance assurance programs by offering and co-sponsoring high quality training.

Training tribal environmental professionals and EPA personnel is essential to this *Strategy*. EPA trains tribal elected officials, lawyers, inspectors, civil and criminal investigators, police, regulators, non-governmental organization representatives, and technical experts in the legal and technical aspects of the compliance and enforcement of federal environmental laws. Accomplishment of this mission facilitates the development of a highly skilled, professional enforcement and compliance workforce. For example, EPA supports the training of tribal compliance monitoring inspectors. The training provides information on how to conduct inspections under tribal and federal law in an effective and safe manner, including basic inspection and interviewing techniques, sampling, and regulatory material.

To accomplish this objective, EPA obtains input from tribes and tribal organizations to define training needs, develop curricula, and deliver courses. EPA encourages participation in classroom and computer-based-training by distributing course information directly to tribes and tribal organizations. These efforts will help EPA to offer and co-sponsor high quality training to build tribal capacity to implement tribal compliance and enforcement programs and assist in EPA's direct implementation of federal environmental laws. EPA will also continue to train its personnel in the legal, practical, and historical issues associated with tribes, Indian Country, and other tribal areas. This understanding enables EPA to work effectively with tribal governments.

Objective 11 Homeland Security Issues in Indian Country

- EPA will apply its expertise and capabilities relative to national security to better protect the American people.

In pursuing EPA's mission to protect human health and the environment, the Agency has developed certain unique expertise and possesses additional capabilities relative to national security that can be used to better protect the American people. As a key agency charged with crisis and consequence management responsibility under the *National Strategy for Homeland Security*, EPA must be ready to deploy this expertise and capability to help to detect, prevent, protect against, respond to, and recover from a terrorist attack against the United States.

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

*Protecting Public Health and the Environment Through
Enforcement and Compliance Assurance in Indian Country*

A Strategy for Results

Draft – April 3, 2003 – Draft

EPA's *Strategic Plan for Homeland Security (Homeland Security Plan)* describes expansion of activities that EPA is already pursuing under existing programs and new initiatives in direct response to potential threats and vulnerabilities. The goals of the *Homeland Security Plan* are organized into four mission-critical areas: (1) critical infrastructure protection; (2) preparedness, response, and recovery; (3) communication and information; and (4) protection of EPA Personnel. EPA has developed specific tactics to accomplish each goal and for many goals, detailed activity lists and time frames for their completion. For almost every tactic, a key initial activity will be coordinated with participation from the Department of Homeland Security, other Federal agencies, and EPA's partners at the tribal, state, and local levels. In acting cooperatively all organizations benefit from varying perspectives and expertise, thus ensuring the most efficient use of resources.

EPA anticipates working closely with tribes to accomplish each of the Agency's homeland security goals. In particular, the Enforcement and Compliance Assurance Program plans to work with tribes to enhance the security of tribal members, tribal resources and areas of potential vulnerabilities such as water, waste and waste water infrastructure, commercial establishments such as utilities, and the security in the chemical and energy sector. In addition, the Enforcement and Compliance Assurance Program plans to continue to provide homeland security training to tribes, to coordinate efforts to ensure security surrounding the transboundary movement of goods and products by working with the Bureau of Customs and Border Protection in the Department of Homeland Security at points of entry in Indian Country and in other tribal areas, and to offer emergency response and investigative assistance to tribes if and when terrorist incidents occur in Indian Country and in other tribal areas, thus supporting the preparedness of tribes to respond to, recover from, and continue operations after a terrorist attack.

Goals 1 and 10 of this *Strategy* are particularly essential components of EPA's effort to support tribal homeland security preparedness. These goals facilitate the effective dissemination of environmental information and training of tribal personnel to enable tribes and tribal members to take action to address activities impacting human health and the environment.

**Objective 12 Consulting with Tribes to Identify Enforcement and Compliance Assurance
Priorities, Activities and Performance Measures**

Consultation will occur as EPA develops a plan to implement this *Strategy*. The plan will contain specific activities, time frames and performance measures to implement and monitor this *Strategy*. Consultation will help improve the protection of human health and the environment in Indian Country and in other tribal areas and contribute to the attainment of EPA's goal of increased compliance and environmental stewardship in Indian Country and in other tribal areas.

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

*Protecting Public Health and the Environment Through
Enforcement and Compliance Assurance in Indian Country*

A Strategy for Results

Draft – April 3, 2003 – Draft

Consultation involves discussing current and proposed EPA (national and regional) and tribal priorities and compliance trends. Consultation also involves discussing other enforcement and compliance assurance issues of concern, including noncompliance patterns or significant environmental risks, specific regulatory requirements, capacity building, and resource levels.

Consultation enables EPA to develop the activities, performance measures, and resource levels needed to implement the Enforcement and Compliance Assurance Program in Indian Country and in other tribal areas and throughout the United States. Implementation occurs through formal, written agreements between EPA Headquarters and each EPA Region. EPA implementation with tribes takes place through Direct Implementation Tribal Cooperative Agreements, EPA/Tribal Environmental Agreements, Performance Partnership Agreements, and other agreements designed to coordinate the priorities and address specific Agency and tribal enforcement and compliance assurance activities. EPA monitors and reports on the results of these internal and external agreements using Government Performance and Results Act measures. Ultimately, these measurements enable EPA to assess the effectiveness in implementing this *Strategy*.

Conclusion

This *Strategy* outlines the existing objectives and planned course of action to encourage compliance with federal environmental laws and environmental stewardship in Indian Country and in other tribal areas. The Enforcement and Compliance Assurance Program plans to accomplish this work through direct implementation, consultation and coordination with tribes, and the building of tribal capacity.

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

Protecting Public Health and the Environment Through Enforcement and Compliance Assurance in Indian Country A Strategy for Results Draft – April 3, 2003 – Draft

Definitions

Indian Country is defined in 18 United States Code Section 1151 as: “a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government notwithstanding the issuance of any patent, and including rights-of-way running through the reservation, b) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territories thereof, and whether within or without the limits of a state, and c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.” Indian Country also includes, among other types of land, lands held in trust by the United States for tribes, Indian Pueblos, Indian colonies, and rancherias. EPA treats tribal trust lands validly set aside for use by tribes as reservations, and thus Indian Country, under this definition, even if the trust land has not formally been designated as a reservation.

This *Strategy* uses the term “**other tribal areas**” to mean lands and waters outside of Indian Country” where federally-recognized Indian tribes and their members, including those in Alaska, have recognized rights and interests protected by treaty, statute, judicial decisions, or other authorities, including off-reservation treaty-guaranteed hunting, fishing and subsistence rights. Under many treaties, tribes have retained rights in areas outside of reservations to hunt, fish, gather, or pasture livestock, often referred to as “usual and accustomed” areas. Statutorily-recognized rights arise, for example, under the National Historic Preservation Act, 16 U.S.C. §470, the Native American Graves Protection and Repatriation Act, 25 U.S.C. §§3001-13, and the Alaska National Interest Lands Conservation Act, 43 U.S.C. §1634.

For purpose of this *Strategy*, “**tribe**,” “**tribal**,” or “**tribal government**” refers to Federally-recognized Indian tribes that the Secretary of the Interior acknowledges to exist pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. Section 479a. See, 67 Fed. Reg. 46328 (July 12, 2002) Tribe also refers to tribal consortia, as appropriate, where tribal governments authorize consortia to act on their behalf.

The *Enforcement Guidance* defines “Tribal facilities” as: “(1) facilities owned or managed by Tribal Governments, and (2) non-Tribally-owned or managed facilities in which a Tribal Government has a substantial proprietary interest or over which a Tribal Government has control.”

For the purpose of this *Strategy*, the term “agencies” refers to Federal departments, agencies, and other instrumentalities of the United States government.

DO NOT RELEASE UNDER THE FREEDOM OF INFORMATION ACT

*Protecting Public Health and the Environment Through
Enforcement and Compliance Assurance in Indian Country*

A Strategy for Results

Draft – April 3, 2003 – Draft

NOTICE

This document is intended to provide internal United States Environmental Protection Agency (EPA) guidance regarding implementation of the enforcement and compliance program. This guidance is designed to implement the 1994 Presidential directive to federal departments and agencies and the *EPA Policy for the Administration of Environmental Programs on Indian Reservations* (Indian Policy) which address working with federally recognized tribal governments on a government-to-government basis. The document does not, however, substitute for requirements in federal statutes or regulations, nor is it a requirement itself. This guidance is not intended to create any right or trust responsibility enforceable in any cause of action by any party against the United States, its agencies, offices or any other person. Thus, it cannot impose legally binding requirements on EPA, and may not apply to a particular situation based upon the circumstances. EPA may change this guidance in the future, as needed, without public notice. Additionally, terms and interpretations used in this guidance are unique to and consistent with the federal trust responsibility to federally-recognized tribes, the obligation to consult with tribal governments on a government-to-government basis, and the Indian Policy. These terms and interpretations do not apply to situations where tribal governments are not involved and, therefore, cannot impose legally binding requirements on EPA in such situations. EPA welcomes public comment on this document at any time and will consider those comments in any future revisions of this guidance document.

Appendix A
Indian Country Contacts for the Enforcement and Compliance Program
U.S. Environmental Protection Agency

The United States Environmental Protection Agency's (EPA) Enforcement and Compliance Assurance program's mission is to protect human health and the environment by ensuring that regulated entities, federal, tribal, state, and local governments comply with our nation's environmental requirements for keeping our air, land and water clean. EPA's Enforcement and Compliance Assurance Office achieves these goals by working in partnership with tribal governments, state governments, and other Federal agencies and using an integrated approach of compliance assistance, compliance incentives and innovative civil and criminal enforcement.

EPA Regions

Region 1's Enforcement and Compliance activities in Indian Country are based in the Office of Toxics, Pesticides and Federal Programs within the Office of Environmental Stewardship. This office maintains an integrated enforcement and compliance assistance program and works closely with 10 tribes to: (1) issue competitive grant funds; (2) build tribal enforcement and compliance capacity; (3) develop Tribal Emergency Response Committee status; and (4) provide tribes with necessary training, including basic inspector and health and safety training. Region 1's tribal enforcement and compliance office works closely with tribal coordinators based in the Region's Office of Ecosystem Protection (OEP). OEP implements an overarching tribal program and ensures effective communication with the tribes regarding a wide range of environmental issues. Region 1 covers Connecticut, New Hampshire, Massachusetts, Maine, Rhode Island, and Vermont. (Contact Greg Dain, 617-918-1884, dain.greg@epa.gov and visit www.epa.gov/region01/)

Region 2 works with eight tribes, states and other Federal agencies to engage compliance and enforcement activities. Region 2's Division of Enforcement and Compliance Assistance coordinates with headquarters, the Office of Regional Counsel and the media programs to address compliance assistance and enforcement in Indian country. The Region's Tribal Program Coordinator ensures effective communication with tribes and EPA on other environmental issues. Region 2 covers New Jersey, New York, Puerto Rico, and Virgin Islands. (Contact: Charles Zafonte, 212-637-3515, zafonte.charles@epa.gov and visit www.epa.gov/Region2/nations/index.html)

Region 3. There are no tribes located in Delaware, Maryland, Washington, D.C., West Virginia, and Virginia. Visit www.epa.gov/region03 for additional information.

Region 4's tribal compliance and enforcement activities are coordinated through the Indian program coordinator and the tribal issues attorney in the Office of Regional Counsel. Region 4's media program offices maintain primary responsibility for routine compliance assistance and compliance assurance activities to six tribes. These activities range from EPA-sponsored conferences on compliance assistance and technical assistance topics, to inspections and appropriate follow-up. A Regional Directive establishes a protocol to ensure communication

Appendix A
Indian Country Contacts for the Enforcement and Compliance Program
U.S. Environmental Protection Agency

between the media programs and the Indian program coordinator prior to commencement of enforcement actions and assures that national and regional guidance is followed. All enforcement actions pass through the Indian program coordinator and the tribal issues attorney prior to issuance. Region 4 covers Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. (Contact: Mark Robertson, 404-562-9639, robertson.mark@epa.gov and visit www.epa.gov/region4/ead/indian/)

Region 5 works with 35 tribes and other Federal agencies to coordinate compliance and enforcement activities in Indian country. The Region 5 Office of Enforcement and Compliance Assurance (OECA) serves as the regional focal point for enforcement and compliance assistance planning activities in Indian Country. Region 5's Indian Environmental Office maintains a director and staff who coordinate with each media program office, the Region Counsel, and EPA's National American Indian Environmental Office. Region 5 is guided by national policy as well as the *Interim Final Communication Plan for U.S. Environmental Protection Agency - Region 5, Compliance Monitoring and Enforcement in Indian Country*. Region 5 covers Ohio, Illinois, Indiana, Michigan, Minnesota, and Wisconsin. (Contact: Barbara Wester, 312-353-8514, wester.barbara@epa.gov and visit www.epa.gov/Region5/tribes/)

Region 6's Compliance Assurance and Enforcement Division coordinates the enforcement and compliance assistance activities for the majority of the media enforcement programs for the 66 tribes. These activities include traditional enforcement activities and training of tribal program staff and tribal members. The Enforcement Division coordinates these activities with Regional Native American Office, Office of Regional Counsel and Headquarters in Washington. The Native American Office supports tribal self-government, helps uphold the Federal trust responsibility, and firmly establishes a government-to-government relationship between the tribes and EPA. Region 6 covers Arkansas, Louisiana, New Mexico, Louisiana, and Texas. (Contact: David Bond, 214-665-6431, bond.david@epa.gov, and visit www.epa.gov/Arkansas/6xa/rnao.htm)

Region 7 works with 9 tribes, states and other Federal agencies to coordinate compliance and enforcement activities. Region 7's Enforcement Coordination Office coordinates with the Regional Counsel and the media programs to address compliance assistance and enforcement in Indian country. The Region 7 Indian Policy Assistance manager and staff coordinates with tribes on other environmental issues. Region 7 covers Iowa, Kansas, Missouri, and Nebraska. (Contact: Secody Hubbard, 913-551-7757, hubbard.secody@epa.gov, and visit www.epa.gov/Region7/government_tribal/index.htm)

Region 8's Office of Enforcement, Compliance and Environmental Justice (ECEJ) maintains lead contacts for legal and technical enforcement and compliance assurance issues that arise in Indian Country. ECEJ coordinate closely with the Region 8 Tribal Assistance Program (TAP), which is responsible for a variety of tribal environmental issues other than enforcement, and the Office of

Appendix A
Indian Country Contacts for the Enforcement and Compliance Program
U.S. Environmental Protection Agency

Regional Counsel, which provides TAP with legal assistance upon request. ECEJ takes an active role in inspection and enforcement activities involving facilities in Indian country to ensure that tribal members and non-tribal members enjoy a level of environmental protection equal to the rest of the nation. Region 8 covers Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. (Contact David Janik at 303-312-6917, janik.david@epa.gov, and visit www.epa.gov/region8/tribes/)

Region 9 works with 147 tribes, other Federal agencies, states, and local governments to coordinate compliance and enforcement activities in Indian Country. The Region's Compliance Assurance Team in the Office of Planning and Public Affairs is the focal point for enforcement and compliance assistance planning activities and coordinates with EPA Headquarters on these issues. Region 9's Indian Programs Office coordinates with the Region's program offices, the Office of Regional Counsel, the Regional Compliance Assurance Team, and EPA's American Indian Environmental Office. Region 9's direct efforts to undertake enforcement and compliance assistance in Indian Country are guided by national policy and conducted by the media program divisions: Air, Water, Waste Management, Cross-Media, and Superfund. Region 9 covers Arizona, California, Hawaii, Nevada, and the U.S. territories of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and other unincorporated U.S. Pacific possessions. (Contact: Clancy Tenley, 415-947-3785, tenley.grove@epa.gov or Jim Grove, 415-947-4263, grove.jim@epa.gov, and visit www.epa.gov/region09/cross_pr/indian/index.html)

Region 10 is committed to protecting human health and the environment throughout the Region, including the lands and resources of Indian tribes, while supporting tribal self-government, fulfilling the Federal trust responsibility, and strengthening the government-to-government relationship between the tribes and the Agency. Region 10's Office of Enforcement and Compliance is responsible for coordinating enforcement activities in the Region and with EPA headquarters, including management of the Region's Enforcement Forum to coordinate enforcement activities in Indian Country between the Program Enforcement Staff, the Tribal Office, the Operations Offices (one in each State) and Tribal Coordinators who are liaisons with each tribe in Region 10. Region 10 covers Alaska, Idaho, Oregon, and Washington. (Contact: Michele Wright, 206-553-1747, wright.michele@epa.gov, and visit <http://www.epa.gov/Region10/tribal.htm>)

Headquarters – www.epa.gov/compliance

The Office of Compliance (OC) assists tribes, tribal businesses, and industry and other organizations in improving their compliance with environmental laws. OC accomplishes this by building the capacity for more effective compliance assistance to the regulated community; working with tribes, states, municipalities, citizen groups and industry; collecting and integrating compliance data; developing effective compliance monitoring programs to support inspections and self-reporting; and supporting enforcement activities. (Indian Program Contact: Jonathan Binder,

Appendix A
Indian Country Contacts for the Enforcement and Compliance Program
U.S. Environmental Protection Agency

202-564-2516, binder.jonathan@epa.gov and visit www.epa.gov/compliance)

The Office of Criminal Enforcement, Forensics and Training (OCEFT) directs EPA's criminal program, provides technical and forensic services for civil and criminal investigative support and provides training for Federal, state and local environmental professionals. (Indian Program Contact: Martin Topper, 202-564-2564, topper.martin@epa.gov and visit www.epa.gov/compliance/criminal/index.html)

The Office of Environmental Justice (OEJ) provides a central point for EPA to address environmental and human health concerns in minority communities and/or low-income communities--a segment of the population which has been disproportionately exposed to environmental harms and risks. (Indian Program Contact: Danny Gogal, 202-564-2576, gogal.danny@epa.gov and visit www.epa.gov/compliance/environmentaljustice/index.html)

The Office of Federal Activities reviews all Federal environmental impact statements (EISs) prepared under the National Environmental Policy Act (NEPA); maintains the national EIS filing system; assures that EPA's own actions comply with NEPA and other environmental requirements; and provides technical assistance and capacity building both for environmental compliance and enforcement, and for environmental impact assessment in other countries. (Indian Program Contact: Katherine Biggs, 202/564-7144, biggs.katherine@epa.gov, and visit www.epa.gov/compliance/nepa/index.html)

The Federal Facilities Enforcement Office (FFEO) is responsible for ensuring that federal facilities take all necessary actions to prevent, control and abate environmental pollution. (Indian Program Contact: Melanie Garvey, 202-564-2579, garvey.melanie@epa.gov, and visit www.epa.gov/compliance/civil/federal/index/html)

The Office of Planning, Policy Analysis and Communications (OPPAC) recommends national policy on issues pertaining to enforcement and compliance, and addresses emerging and cross-cutting issues, such as innovation, in OECA's program that impact various statutes impact assessment in other countries. (Indian Program Contact: Van Housman, 202-564-0143, housman.van@epa.gov and visit www.epa.gov/compliance)

The Office of Regulatory Enforcement (ORE) works with Tribes, States, EPA Regional Offices, and other federal agencies to assure compliance with the nation's environmental laws by investigating violations, deterring violations of federal environmental laws through civil enforcement actions and providing incentives to those members of the regulated community that wish to comply with the law. (Indian Program Contact: Ann Stephanos, 202-564-4006, stephanos.ann@epa.gov, and visit www.epa.gov/compliance/civil/index.html)

Appendix A
Indian Country Contacts for the Enforcement and Compliance Program
U.S. Environmental Protection Agency

The Office of Site Remediation Enforcement (OSRE) facilitates, coordinates, and evaluates the enforcement of EPA's national hazardous waste cleanup programs: CERCLA (Superfund), RCRA, OPA, and UST. (Indian Program Contact: Doug Dixon, 202-564-4232, dixon.douglas@epa.gov, and visit www.epa.gov/compliance/cleanup/index.html)